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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,260	06/25/2002	Manfred Weuthen	C 2064 PCT/US	5106
23657	7590	11/28/2005	EXAMINER	
COGNIS CORPORATION PATENT DEPARTMENT 300 BROOKSIDE AVENUE AMBLER, PA 19002			OGDEN JR, NECHOLUS	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/088,260	WEUTHEN ET AL.	
	Examiner	Art Unit	
	Necholus Ogden	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13, 15-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13, 15-23, 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Claims 11-13, 15-23, 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al (6,051,544).

Lang et al disclose a granular secondary alkane sulfonate and an additive, which can be converted into a solid extrudate for a washing bar, toilet blocks or bar soaps, to give pressed articles, e.g. tables or compacts (abstract; col. 3, lines 9-12), wherein the secondary alkane sulfonates can be used in the finished detergent and cleaning product formulations in combination with other surfactants (col. 3, lines 14-17) line anionic surfactant and additives such as fatty acid protein condensation products obtained by reaction of fatty acid chlorides with oligopeptides (col. 4, lines 6-61). The total concentration of surfactants, including the secondary alkane sulfonate are from 1 to 99% by weight; and additives such as cellulose derivatives are from 0.1 to 105 by weight based on the weight of the alkane sulfonate (col. 3, lines 1-3). Additional ingredients may be included such as builders such as zeolites in an amount from 5 to 80% by weight (col. 7, lines 40-56). The compositions may optionally contain cationic surfactants, which would be construed as not having cationic surfactants.

Lang et al do not specifically teach each of the claimed ingredients in a working example, however, it would have been obvious to one of ordinary skill in the art to combine the non-enzymatic protein in combination with a zeolite, disintegrating agent and surfactant to comprise a bar composition because Lang et al teach each of the components for the purpose of establishing a bar composition. Accordingly, absent a

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showing to the contrary, one of ordinary skill would have been motivated to combine the components of Lang et al for their intended purpose.

Response to Arguments

2. Applicant's arguments filed 9-15-05 have been fully considered but they are not persuasive.

Applicant argues that Lang et al neither teaches nor suggest the claimed invention. Specifically, forming the tablet as claimed.

As stated above, Lang teaches the cleaning product compositions as a whole can be converted to "other solid mixtures" (col. 3, line 8). Lang et al further states that the alkane sulfonate can be converted into solid extrudates such as soap bars, washing bars, toilet blocks and tablets (col. 3, lines 9-12). The examiner contends that this reference to washing bars, bar of soap, toilet blocks and tablets refers to the finished final product, which includes additional surfactants and ingredients. For example, Lang et al teach that "If the intention is to formulate soap bars, for washing by hand, it is possible to use various alkali metal phosphates...." (col. 8, lines 16-18). Therefore, one of ordinary skill in the art would assume that the soap bars are the finished product that includes various ingredients including the required alkane sulfonate and other ingredients such as phosphates. Additionally, one of ordinary skill would reasonably assume that toilet blocks and tablets are the other finished products that Lang et al describes as his invention.

Applicant further argues that there is no mention of a disintegrant because there is no need for the particles to stick together.

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The examiner respectfully disagrees and directs applicant's attention to column 8, line 41, wherein Lang et al teach the use of a suspension agent which may include ingredients such as gums and starches that aid in sticking ingredients together and therefore reads on may of applicant's disintegrants such as gums and starches (see page 11, lines 5-10 of applicant's specification).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nicholas Ogden
Primary Examiner
Art Unit 1751

No
11-19-05